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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

AF-CAP, INC.,

Plaintiff,

v.

THE REPUBLIC OF CONGO,

Defendant,

and

CMS Oil and Gas Company, et. al.,

Garnishees.

Civil Action No. 1:01-CA-100-SS

DECLARATION OF RODRIGO MARQUEZ

I, Rodrigo Marquez, declare:

1. My name is Rodrigo Marquez. I am Vice President of CMS Nomeco Congo Inc. I have personal knowledge concerning the facts set out in this declaration concerning the incorporation, officers, directors, employees, offices, and activities of CMS Nomeco Congo Inc.
2. CMS Nomeco Congo Inc. has offices in The Republic of Congo, and its employees are all located and work in The Republic of Congo. CMS Nomeco Congo Inc. is the operator of the Marine 1 permit in Congolese waters. None of the activities of CMS Nomeco Congo Inc. relating to the operation of the Marine 1 permit are carried out in the United States. In fact, all of the business activities in which CMS Nomeco Congo Inc. engages are outside the United States.
3. CMS Nomeco Congo Inc. is a corporation incorporated in the State of Delaware. CMS Nomeco Congo Inc. is owned 100% by Perenco Oil and Gas (International) Company f/k/a CMS Oil and Gas (International) Company. On September 13, 2002, the stock of CMS Oil and Gas (International) Company was sold by CMS Oil and Gas Company (an affiliate of CMS Enterprises Company) to Lankan Inc. (an affiliate of Perenco S.A.). On that same day, the prior directors

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and officers of CMS Nomeco Congo Inc. resigned, and new directors and officers were appointed. Thereafter, new directors and officers were appointed from time to time. As of February 12, 2004, the directors and officers of CMS Nomeco Congo Inc. are individuals who reside outside of the United States, consistent with the fact that all of the business activities in which CMS Nomeco Congo Inc. engages are outside of the United States. During the period February 12, 2004 to the present, CMS Nomeco Congo Inc. has had no officers, directors, or employees in the United States and has engaged in no business activities in the United States.

4. On November 10, 2004, CMS Nomeco Congo Inc. was served with a writ of garnishment in this case. On November 10, CMS Nomeco Congo Inc. had no physical offices in the United States and had no officers, directors, or employees in the United States. At all times since November 10, 2004, CMS Nomeco Congo Inc. has had no physical offices in the United States and has had no officers, directors, or employees in the United States.

4. I declare under penalty of perjury, under the laws of the United States of America, that the foregoing statements are true and correct.

EXECUTED on the 15th day of November, 2004, in Paris, France.

R. M. L. P.
Rodrigo Marquez